

STATEMENT OF EDWIN MEESE III
Ronald Reagan Distinguished Fellow in Public Policy and
Chairman, Center for Legal and Judicial Studies
The Heritage Foundation¹

Before the House Permanent Select Committee on Intelligence
11 August 2004

Mr. Chairman and Distinguished Members of the Committee:

I am honored to testify before the Committee today and commend you for your diligence in analyzing and implementing the report of the National Commission on Terrorist Attacks Upon the United States (the “9/11 Commission”).

As requested by the Committee, I will present my views on the 9/11 Commission Findings concerning “Sufficiency of Time, Attention, and Legal Authority.”

By way of background, I served in the Administration of President Ronald Reagan, during the first term as Counsellor to the President, the senior position on the White House Staff, and during the second term as Attorney General of the United States.

During both terms I served as a member of the National Security Council and the President’s Cabinet. I also served as chairman of several major inter-agency groups, including the National Drug Policy Board, the Domestic Policy Council, and the Cabinet Council on Management and Administration. I also served in the United States Army Reserve, retiring as a Colonel, with most of my duty involved in the Military Intelligence and Civil Affairs branches. During my career I have served in several capacities in the law enforcement community.

¹ The Heritage Foundation is an independent, nonpartisan public policy research and educational organization operating under Section 501(C)(3). It is privately supported, and receives no funds from any government at any level, nor does it perform any government or other contract work. The Heritage Foundation is the most broadly supported think tank in the United States. During 2003, it had more than 200,000 individual, foundation, and corporate supporters representing every state in the U.S. Its 2003 income came from the following sources:

Individuals – 52%
Foundations – 19%
Corporations – 8%
Investment Income – 18%
Publication Sales and Other – 3%

The top five corporate givers provided The Heritage Foundation with 5 percent of its 2003 income. The Heritage Foundation’s books are audited annually by the national accounting firm of Deloitte & Touche. A list of major donors is available from The Heritage Foundation upon request. Members of The Heritage Foundation staff testify as individuals discussing their own independent research. The views expressed are their own, and do not reflect an institutional position for The Heritage Foundation or its board of trustees.

During the eight years of the Reagan Presidency counterterrorism became a major priority throughout the national security and law enforcement element of the Administration, particularly the Department of Justice. Incidents such as the hostage-taking aboard the ship *Achille Lara* and the bombing of the Belle Disco café in Germany are examples of the terrorist activities that posed major challenges for the United States. As a result the Federal Bureau of Investigation (FBI) Hostage Rescue Team was specially trained for counterterrorist operation. Also, we developed specialized inter-agency counterterrorism teams that were deployed overseas to instantly respond to terrorist incidents.

As Attorney General, I spent a considerable portion of my time dealing with counterterrorism matters. I regularly attended meetings of the “Trevi Group,” an organization of the ministers having law enforcement authority within the nations that now make up the European Union. Similar meetings were held regularly of the Italian-American Working Group on Organized Crime, Drugs, and Terrorism. I also held numerous bilateral meetings with my counterparts in other nations around the world and engaged in several official visits and briefings on the counterterrorism resources of other countries, including the United Kingdom, Israel, and Germany.

I provide this information to indicate that even before 11 September 2001, there was considerable national security and law enforcement attention being given to counterterrorism in the United States. Obviously, the threat has become much greater in subsequent years and the tragedy of 11 September 2001 is unprecedented in our nation’s history. It is appropriate, therefore, to carefully consider the recommendations of the 9/11 Commission and to determine how we can improve our nation’s capabilities of dealing with this menace. I will confine my suggestions to three areas:

- (1) The Management of the Intelligence Community
- (2) The Establishment of a National Counterterrorism Center
- (3) The Oversight Function of Congress Concerning the Intelligence Community

At the outset, let me suggest that the work upon which this Committee has embarked – establishing the modern blueprint for national intelligence activities, should be undertaken carefully and deliberately without undue haste that might minimize the complexity and difficulty of this task. As has been seen in the establishment of the Department of Homeland Security, both the legislative efforts and the subsequent organizational assimilation involved in major changes to governmental structures indicates why great care must be taken in such an endeavor. At the same time, the imminence of the threat is great and this effort should proceed “with all deliberate speed,” but with equally careful analysis and proscription.

The 9/11 Commission has recommended major changes in the management of the Intelligence Community, specifically the establishment of a National Intelligence Director (NID) who would be separate from the head of the Central Intelligence Agency. I concur with this recommendation and believe that the NID should have Cabinet-rank, but not actually be a participating member of the Cabinet. The NID should also report

directly to the President but should not be a member of the Executive Office of the President. The reason for both of these recommendations is that the NID should be high-ranking but independent of the immediate staff of the President (or of any other agency in the Executive Branch) so that the intelligence product will not suffer the possibility of confusion with political objectives or be subject to attacks that it is being manipulated to fit policy goals.

The NID should be the principle intelligence advisor to the President and should also have responsibility for the strategic and policy management of the Intelligence Community. As advisor to the President the NID should have regular access to the President and should occupy the position as permanent advisor on the National Security Council currently held by the “Director of Central Intelligence.”

The NID should have adequate staff to perform the management function of developing intelligence policy, planning for intelligence activities (including the allocation of roles and mission among the various intelligence agencies), resources management (including personnel and financial resources), and evaluation. The latter function – systematically examining the capabilities, effectiveness, and results of intelligence activities is an important innovation, which has been lacking prior to the events of 11 September 2001.

The NID should also be chairman of the National Intelligence Council, which is composed of the heads of the 15 major intelligence agencies within the federal government. This Council should be the primary entity responsible for the coordination of intelligence activities, the allocation of responsibilities, and the regular oversight of intelligence operations. When issues cannot be resolved within the Council, the NID should have the authority to make final decisions, subject only to ultimate decision by the President should such a decision be appealed by one of the agencies.

Questions have arisen concerning the physical location of the NID. During prior administrations, space has been provided within the Eisenhower Executive Office Building for the Director of Central Intelligence and additional space for the Intelligence Community is located not far from the White House. These facilities should be made available to the new NID, since the Director of the Central Intelligence Agency (now a separate position) would be located at CIA headquarters at Langley.

The 9/11 Commission has recommended the creation of a National Counterterrorism Center (NCC), which would be responsible for intelligence analysis and operational planning for all counterterrorism activities. The Commission suggests that this new Center report directly to the NID. However, the NID has responsibility for all intelligence activities, many of which go beyond counterterrorism, and to place upon him the burden of day-to-day operations of the NCC would unduly interfere with his overall management of the Intelligence Community. Accordingly, it is recommended that the NCC be organizationally located within the Department of Homeland Security, since its functions are directly related to the responsibilities of that Department.

Finally, the responsibility and structure of Congressional activity for counterterrorism should be addressed by this Committee. As has been pointed out by numerous authorities, including the 9/11 Commission, there are presently several committees in each house of Congress, which have some responsibility for legislative activity relating to intelligence. In the interest of both efficiency and effectiveness, and to focus authority and responsibility, there should be a single committee in each house in which all legislative activity relating to intelligence should be concentrated.

I hope that these initial suggestions will be helpful to the Committee as it goes about its important work. I would be happy to provide additional information in response to any questions the Committee might have about the 9/11 Commission Report, its recommendations, and these suggestions.

Thank you for the opportunity to make this presentation before your Committee.